

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JACQUELYN D. AJOSE,

Plaintiff,

v.

INTERLINE BRANDS, INC.,

Defendant.

)

) **NO. 3:14-CV-1707**

)

) **JURY DEMAND**

)

) **JUDGE KEVIN H. SHARP**

) **MAGISTRATE JOE BROWN**

)

DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

On this date, Defendant, Interline Brands, Inc. (“Interline”) separately and contemporaneously filed a Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) (“Motion to Transfer”). In the event the Court does not transfer this action upon the grounds set forth in the Motion to Transfer, Interline, pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully requests that the Court enter an Order dismissing the Complaint filed by Plaintiff, Jacquelyn D. Ajose, on behalf of herself and all others similarly situated (“Plaintiff”), which alleges causes of action for negligence (Count I), strict liability due to a design defect and failure to warn (Count II), declaratory judgment (Count IV), unjust enrichment (Count V), violations of the Magnuson-Moss Consumer Products Warranties Act (“MMWA”) (Count VI), and breach of implied warranty of merchantability (Count VII).¹ This Motion is accompanied by a memorandum of law in accordance with United States District Court for the Middle District of Tennessee Local Rule 7.01.

¹ Plaintiff did not assert a Count III.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 7th day of November, 2014, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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